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TRIPURA GAZETTE

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PART-- I--Orders and Notifications by the Government of Tripura,
The High Court, Government Treasury etc.

GOVERNMENT OF TRIPURA
DEPTT. OF SCIENCE, TECHNOLOGY & ENVIRONMENT
VIGYAN, PRAJUKTI O PARIVESH BHAWAN
GORKHABASTI: AGARTALA
TRIPURA-799006

No.F.11(49)/DSTE/CC/Pt-I/3382-3419 Dated, 04/05/2017

NOTIFICATION

Whereas, Article 48-A of the Constitution of India *inter-alia* envisages that the State shall endeavor to protect and improve the natural environment for safeguarding human beings, wildlife including all living creatures, forests, lake, rivers etc.,

AND

Whereas, the open burning of wastes produces various harmful toxic gases/particles which causes pollution of air, water, soil etc and disturbs the natural balance of ecology & environment,

AND

Whereas, the waste is generated both in the form of biodegradable & non-biodegradable substances, the non-biodegradable waste includes plastic and other substances which release various harmful toxic gases on burning,

AND

Whereas, in accordance with the Judgment pronounced on 22nd December, 2016 by Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No.199 of 2014 in the matter of Almitra H. Patel & Anr. Vrs. Union of India & Others, the state Government shall impose complete prohibition on open burning of waste on lands, including at landfill sites in the whole State,

NOW,

Therefore, in compliance with the Judgment pronounced on 22nd December, 2016 by Hon'ble National Green Tribunal, Principal Bench, New Delhi and in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 (29 of 1986), and also the powers conferred to this State vide Notification No.S.O.479 (E) dated the 25th July, 1991 under Section 23 of the Environment (Protection) Act, 1986, the State Government issues this Notification to impose ban/prohibition on open burning of waste on lands, including at landfill sites in the whole State. **In this context, the Government hereby issues the following directions:-**

Directions:-

No person or body including local body, any agency, organization, concessionaire etc. shall be allowed open burning of waste on lands, including at landfill sites in the whole of State of Tripura.

Penalty :

For each such incident or default, violators including the project concessionaire, local body, any person or body responsible for such burning, shall be liable to pay environmental compensation of Rs.5,000/- (Rupees Five Thousand) only in case of simple burning, while Rs.25,000/- (Rupees Twenty Five Thousand) in case of bulk wastes burning. Environmental compensation shall be recovered as arrears of land revenue by the competent authority in accordance with law. The environmental compensation collected in this regard shall be deposited to the Tripura State Pollution Control Board for development/up gradation of ecology & Environment of the State.

Authorised Officers:-

The following officers are hereby authorized to implement this Notification in their respective jurisdiction viz.

1. Member Secretary, Tripura State Pollution Control Board (TSPCB) and officers at the level of Junior Environmental Engineer/Junior Scientist and above.
2. Director, Science, Technology & Environment and officers at the level of Scientific Officer and above.
3. Municipal Commissioner, Agartala Municipal Corporation, Agartala and his nominee.
4. Chief Executive Officer, TTAADC and other officers nominated by him.
5. DMs & Collectors, Tripura
6. Superintendent of Police and officers at the level of SI and above.
7. Director, Industries & Commerce and other officer nominated by him.
8. Director, Health & Family Welfare or other officers nominated by him.
9. Commissioner, Taxes & Excise and officers at the level of inspector or above.
10. Sub-Divisional Magistrates, Tripura.
11. Chief Inspector of Factories and Boilers, Factories and Boiler Organization, Labour Department, Govt. of Tripura and his nominee.
12. Chief Executive Officer of Municipal Council and other officers nominated by him.
13. Block Development Officers, Tripura and his nominee.
14. Executive Officers of Nagar Panchayat, Tripura and his nominee.

In case of violation of the aforementioned directions, the above mentioned authorized officers, shall in accordance with the procedure and powers conferred under Section 19 of the Environment (Protection) Act.1986, initiate legal action including the recovery of penalty as indicated above.

This Notification shall come into force with immediate effect.

By the order of the Governor

Chaubey 4/3/17

(C. Murti)
Spl. Secretary
Government of Tripura